

S 97 RS

Calendar No.

106 th CONGRESS

1 st Session

S. 97

To require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

IN THE SENATE OF THE UNITED STATES

January 19, 1999

Mr. McCain (for himself and Mr. Hollings) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

June __, 1999

Reported by Mr. McCain, with an amendment in the nature of a substitute

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[Original bill text printed in linetype omitted]

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Childrens' Internet Protection Act''.

SEC. 2. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO IMPLEMENT FILTERING OR BLOCKING TECHNOLOGY FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) Schools . _Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended_

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraph (5):

``(5) Requirements for certain schools with computers having internet access . _

``(A) Internet filtering . _

``(i) In general . _Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, or other authority with responsibility for administration of the school_

``(I) submits to the Commission a certification described in subparagraph (B); and

``(II) ensures the use of such computers in accordance with the certification.

``(ii) Applicability . _The prohibition in paragraph (1) shall not apply with respect to a school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

``(B) Certification . _A certification under this subparagraph is a certification that the school, school board, or other authority with responsibility for administration of the school_

``(i) has selected a technology for its computers with Internet access in order to filter or block Internet access through such computers to_

``(I) material that is obscene; and

``(II) child pornography; and

“(ii) is enforcing a policy to ensure the operation of the technology during any use of such computers by minors.

“(C) Additional use of technology .—A school, school board, or other authority may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the school, school board, or other authority determines to be inappropriate for minors.

“(D) Timing of certifications .—

“(i) Schools with computers on effective date .—

“(I) In general .—Subject to subclause (II), in the case of any school covered by this paragraph as of the effective date of this paragraph under section 2(h) of the Childrens' Internet Protection Act, the certification under subparagraph (B) shall be made not later than 30 days after such effective date.

“(II) Delay .—A certification for a school covered by subclause (I) may be made at a date that is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification on the date otherwise required by that subclause. A school, school board, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of this subclause to the school. Such notice shall specify the date on which the certification with respect to the school shall be effective for purposes of this clause.

“(ii) Schools acquiring computers after effective date .—In the case of any school that first becomes covered by this paragraph after such effective date, the certification under subparagraph (B) shall be made not later than 10 days after the date on which the school first becomes so covered.

“(iii) No requirement for additional certifications .—A school that has submitted a certification under subparagraph (B) shall not be required for purposes of this paragraph to submit an additional certification under that subparagraph with respect to any computers having Internet access that are acquired by the school after the submittal of the certification.

“(E) Noncompliance .—

“(i) Failure to submit certification .—Any school that knowingly fails to submit a certification required by this paragraph shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 2(h) of the Childrens' Internet Protection Act in an amount equal to the amount of the discount provided such school

by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

“(ii) Failure to comply with certification . _ Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such school services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such school by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

“(iii) Treatment of reimbursement . _ The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

“(F) Cessation date . _

“(i) Determination . _ The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a school to comply with the requirements of this paragraph.

“(ii) Notification . _ The Commission shall notify telecommunications carriers of each school determined to have failed to comply with the requirements of this paragraph and of the period for which such school shall be liable to make reimbursement under subparagraph (E).

“(G) Recommencement of discounts . _

“(i) Recommencement . _ Upon submittal to the Commission of a certification under subparagraph (B) with respect to a school to which clause (i) or (ii) of subparagraph (E) applies, the school shall be entitled to services at discount rates under paragraph (1)(B).

“(ii) Notification . _ The Commission shall notify the school and telecommunications carriers of the recommencement of the school's entitlement to services at discount rates under this subparagraph and of the date on which such recommencement begins.

“(iii) Additional noncompliance . _ The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

“(H) Limitation on federal action . _

“(i) In general . _ No agency or instrumentality of the United States Government may _

“(I) establish any criteria for making a determination under subparagraph (C);

“(II) review a determination made by a school, school board, or other authority for purposes of a certification under subparagraph (B); or

“(III) consider the criteria employed by a school, school board, or other authority for purposes of determining the eligibility of a school for services at discount rates under paragraph (1)(B).

“(ii) Action by commission . _The Commission may not take any action against a school, school board, or other authority for a violation of a provision of this paragraph if the school, school board, or other authority, as the case may be, has made a good faith effort to comply with such provision.”.

(b) Libraries . _Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

“(6) Requirements for certain libraries with computers having internet access . _

“(A) Internet filtering . _

“(i) In general . _A library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library _

“(I) submits to the Commission a certification described in subparagraph (B); and

“(II) ensures the use of such computers in accordance with the certification.

“(ii) Applicability . _The prohibition in paragraph (1) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

“(B) Certifications . _

“(i) Libraries with one computer having internet access . _A certification under this subparagraph with respect to a library that has only one computer with Internet access is a certification that the library is enforcing a policy to ensure that minors do not use the computer for Internet access to _

“(I) material that is obscene; and

“(II) child pornography.

“(ii) Libraries with more than one computer having internet access . _A certification

under this subparagraph with respect to any library covered by this paragraph, and not covered by clause (i), is a certification that the library_

“(I) has selected a technology for its computers with Internet access in order to filter or block Internet access through such computers to_

“(aa) material that is obscene; and

“(bb) child pornography; and

“(II) is enforcing a policy to ensure the operation of the technology during any use of such computers by minors.

“(C) Additional use of technology ._A library may also use a technology covered by a certification under subparagraph (B) to filter or block Internet access through the computers concerned to any material in addition to the material specified in that subparagraph that the library determines to be inappropriate for minors.

“(D) Timing of certifications ._

“(i) Libraries with computers on effective date ._

“(I) In general ._In the case of any library covered by this paragraph as of the effective date of this paragraph under section 2(h) of the Children's Internet Protection Act, the applicable certification under subparagraph (B) shall be made not later than 30 days after such effective date.

“(II) Delay ._A certification for a library covered by subclause (I) may be made at a date that is later than is otherwise required by that subclause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification on the date otherwise required by that subclause. A library shall notify the Commission of the applicability of this subclause to the library. Such notice shall specify the date on which the certification with respect to the library shall be effective for purposes of this clause.

“(ii) Libraries acquiring computers after effective date ._In the case of any library that first becomes subject to a certification under either clause (i) or (ii) of subparagraph (B) after such effective date, the applicable certification under that subparagraph shall be made not later than 10 days after the date on which the library first becomes so subject.

“(iii) No requirement for additional certifications ._A library that has submitted a certification under subparagraph (B)(ii) shall not be required for purposes of this paragraph to submit an additional certification under that subparagraph with respect to any computers having Internet access that are acquired by the library after the submittal of such certification.

``(E) Noncompliance . _

``(i) Failure to submit certification . _Any library that knowingly fails to submit a certification required by this paragraph shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the effective date of this paragraph under section 2(h) of the Children's Internet Protection Act in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on such effective date and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

``(ii) Failure to comply with certification . _Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraph (B) shall reimburse each telecommunications carrier that provided such library services at discount rates under paragraph (1)(B) after the date of such certification in an amount equal to the amount of the discount provided such library by such carrier for such services during the period beginning on the date of such certification and ending on the date on which the provision of such services at discount rates under paragraph (1)(B) is determined to cease under subparagraph (F).

``(iii) Treatment of reimbursement . _The receipt by a telecommunications carrier of any reimbursement under this subparagraph shall not affect the carrier's treatment of the discount on which such reimbursement was based in accordance with the third sentence of paragraph (1)(B).

``(F) Cessation date . _

``(i) Determination . _The Commission shall determine the date on which the provision of services at discount rates under paragraph (1)(B) shall cease under this paragraph by reason of the failure of a library to comply with the requirements of this paragraph.

``(ii) Notification . _The Commission shall notify telecommunications carriers of each library determined to have failed to comply with the requirements of this paragraph and of the period for which such library shall be liable to make reimbursement under subparagraph (E).

``(G) Recommencement of discounts . _

``(i) Recommencement . _Upon submittal to the Commission of a certification under subparagraph (B) with respect to a library to which clause (i) or (ii) of subparagraph (E) applies, the library shall be entitled to services at discount rates under paragraph (1)(B).

``(ii) Notification . _The Commission shall notify the library and telecommunications

carriers of the recommencement of the library's entitlement to services at discount rates under this paragraph and of the date on which such recommencement begins.

“(iii) Additional noncompliance . _The provisions of subparagraphs (E) and (F) shall apply to any certification submitted under clause (i).

“(H) Limitation on federal action . _

“(i) In general . _No agency or instrumentality of the United States Government may _

“(l) establish any criteria for making a determination under subparagraph (C);

“(II) review a determination made by a library for purposes of a certification under subparagraph (B); or

“(III) consider the criteria employed by a library purposes of determining the eligibility of the library for services at discount rates under paragraph (1)(B).

“(ii) Action by commission . _The Commission may not take any action against a library for a violation of a provision of this paragraph if the library has made a good faith effort to comply with such provision.”.

(c) Minor Defined . _Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

“(D) Minor . _The term ‘minor’ means any individual who has not attained the age of 17 years.”.

(d) Conforming Amendment . _Paragraph (4) of such section is amended by striking “paragraph (5)(A)” and inserting “paragraph (7)(A)”.

(e) Separability . _If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) Regulations . _

(1) Requirement . _The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) Deadline . _Notwithstanding any other provision of law, the requirements prescribed under paragraph (1) shall take effect 120 days after the date of the

enactment of this Act.

(g) Availability of Rates . _Discounted rates under section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B))_

(1) shall be available in amounts up to the annual cap on Federal universal service support for schools and libraries only for services covered by Federal Communications Commission regulations on priorities for funding telecommunications services, Internet access, Internet services, and Internet connections that assign priority for available funds for the poorest schools; and

(2) to the extent made available under paragraph (1), may be used for the purchase or acquisition of filtering or blocking products necessary to meet the requirements of section 254(h)(5) and (6) of that Act, but not for the purchase of software or other technology other than what is required to meet those requirements..

(h) Effective Date . _The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.